

PROB 12B
(7/93)

United States District Court
for

District of New Jersey

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Emmanuel Rooks

Cr.:05-00273-001
PACTS Number: 42461

Name of Sentencing Judicial Officer: The Honorable Stanley R. Chesler, United States District Court Judge

Date of Original Sentence: April 13, 2006

Original Offense: Possession of a Firearm by a Convicted Felon

Original Sentence: 71 months incarceration, 3 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: April 30, 2010

PETITIONING THE COURT

- ☐ To extend the term of supervision for Years, for a total term of Years.
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

ALCOHOL/DRUG TESTING AND TREATMENT

You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall submit to evaluation and treatment, on an outpatient or inpatient basis, as approved by the U.S. Probation Office. You shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged by the Court. You shall alert all medical professionals of any prior substance abuse history, including any prior history of prescription drug abuse. The Probation Officer shall supervise your compliance with this condition.

MENTAL HEALTH TREATMENT

You shall undergo treatment in a mental health program approved by the United States Probation Office until discharged by the Court. As necessary, said treatment may also encompass treatment for gambling, domestic violence and/or anger management, as approved by the United States Probation Office, until discharged by the Court. The Probation Officer shall supervise your compliance with this condition.

CAUSE

On September 2, 2010, the offender reported to the probation office for a random drug test. The offender tested positive for marijuana. His sample was sent to the laboratory for confirmation on that date. On September 10, 2010, the lab notified the probation office that the sample did test positive for marijuana under sample number CO1289446.

On September 3, 2010, the offender admitted to smoking one week prior to the test. He agreed to the drug testing condition and signed the waiver.

In addition, the offender's presentence report revealed subject suffers from depression and had attempted suicide in the past. The probation office believes the implementation of a mental health condition would provide the offender with treatment options to address his depression.

Respectfully submitted,

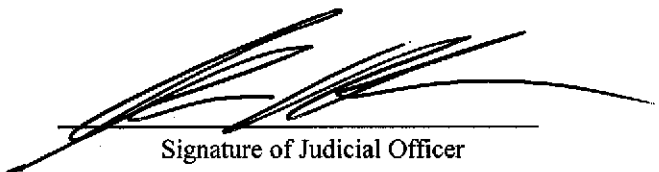
By: Edwin Vazquez

Senior U.S. Probation Officer

Date: September 24, 2010

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other


Signature of Judicial Officer


Date

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

ALCOHOL/DRUG TESTING AND TREATMENT

You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall submit to evaluation and treatment, on an outpatient or inpatient basis, as approved by the U.S. Probation Office. You shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged by the Court. You shall alert all medical professionals of any prior substance abuse history, including any prior history of prescription drug abuse. The Probation Officer shall supervise your compliance with this condition.


MENTAL HEALTH TREATMENT

You shall undergo treatment in a mental health program approved by the United States Probation Office until discharged by the Court. As necessary, said treatment may also encompass treatment for gambling, domestic violence and/or anger management, as approved by the United States Probation Office, until discharged by the Court. The Probation Officer shall supervise your compliance with this condition.

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee
Emmanuel Rooks

9/24/10
DATE

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

MICHAEL A. McLEAN
SUPERVISING U.S. PROBATION OFFICER

BETH L. NEUGASS
SUPERVISING U.S. PROBATION OFFICER

September 24, 2010

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The Honorable Stanley R. Chesler
U.S. District Court Judge
Martin Luther King Courthouse
P.O. Box 0999
Newark, New Jersey 07102

RE: Rooks, Emmanuel

Dkt No: 05-273

**Request for Modifying the Conditions of
Supervised Release**

Dear Judge Chesler:

On April 13, 2006, the above named offender appeared before Your Honor after pleading guilty to one count charging him with Possession of a Firearm by a Convicted Felon. He was sentenced to a 78 month incarceration term followed by three years of supervised release. In addition, he received a \$2,000 fine and a \$100 special assessment fee. Special conditions imposed at time of sentencing included: Financial Disclosure, No New Lines of Credit, and DNA Testing.

Enclosed please find a Form 49, Waiver of Hearing, Request for Modifying the Conditions or Term of Supervision with Consent of Offender. The offender has committed the following violation: Positive Drug Test for Marijuana. He has agreed to a drug condition being added to his supervised release term.

In addition, the offender has agreed to a mental health condition being added to his supervised release term as he has a history of depression and the probation office would like to address this issue via treatment.

Should Your Honor concur with this recommendation, kindly execute and file the Petition. Please have your Clerk forward copies of the executed Petition to the undersigned officer.

Thank you for your consideration in this matter.

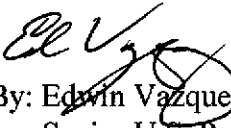
The Honorable Stanley R. Chesler


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September 24, 2010

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer


By: Edwin Vazquez
Senior U.S. Probation Officer


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